

STATE CONTRACTING MANUAL

CURRENT AS OF OCTOBER 2005

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Notice

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California Department of General Services

SUMMARY OF 10/05 CHANGES

Location	What Changes
Cover Page	<ul style="list-style-type: none"> • Reflect SCM “current as of” date • Update information to reflect Deputy Director’s correct office name
Chapter Table of Contents	<ul style="list-style-type: none"> • Addition of “Fiscal Intermediaries” section 3.24 • Addition of “Commercial Office Moving Services” section 3.25 • Addition of “Elevator Maintenance Contracts” section 3.26 • Deleted “Standard State Contracting Process” section 5.04 • Addition of “Tie Bids” section 5.45 • Deleted “PCC Section 6611 Negotiation Authority” section 5.95 • Added “Guidelines” to section title for 6.15 • Deleted “Independent Contractors” section 7.21 • Deleted “Specialized Contract Provisions” section 7.75
Various sections	Deleted reference to Std 15 throughout the SCM
1.00	Updated introduction paragraph by adding and deleting language
1.00 A.	<ul style="list-style-type: none"> • Added words re contract types of “legal service, subventions, grants, commodities” • Deleted language referencing RESD-PSB and contact phone number
1.00 B.	<ul style="list-style-type: none"> • Deleted subsection “B.” language • Deleted “Note” box language and replaced it as the new subsection “B.” language
1.00 C.	<ul style="list-style-type: none"> • Deleted words “goods and services for” • Added words “commodities acquisitions” • Deleted language regarding reference to PCC § 12100 et seq.
1.00 D.	<ul style="list-style-type: none"> • Added new subsection “D.” language
1.02	<ul style="list-style-type: none"> • Deleted language regarding distribution of SCM copy to contact person in DGS/OLS • Added language directing contracting officials to sign up for DGS/OLS lister services
1.03 A.	<ul style="list-style-type: none"> • Deleted word “contracting and replaced with “acquisitions”
1.04	<ul style="list-style-type: none"> • Deleted word “contracting” and added words “services acquisitions” • Under role of DGS/OLS, deleted word “contract” and added word “acquisiton”
1.05 A.	<ul style="list-style-type: none"> • Deleted word “contracts” and added word “acquisitions”
1.05 B.	<ul style="list-style-type: none"> • Added word “acquisition” • Deleted words “contract to determine the appropriate classification of the contract”
1.05 B. 2. b.	<ul style="list-style-type: none"> • Delete “(currently \$120,000)?” and added word “per” and question mark after PCC designation • Deleted “General Services” and replaced with “DGS” • Deleted “contracting” and replaced with “acquiring these services”
1.05 B. 2. c.	<ul style="list-style-type: none"> • Deleted “contract” and replaced with “acquisition” • Deleted “General Services” and replaced with “DGS” • Moved reference to “Form 23” to different part of subsection “c.” paragraph
1.05 B. 4.	<ul style="list-style-type: none"> • Language added/deleted for clarification regarding information technology contracts
1.07	<ul style="list-style-type: none"> • Listed Std 213A in “Standard Contracting Forms” table • Minor corrections to language of listed forms for Std 2, 13, 15, 213 and 215
2.02	<ul style="list-style-type: none"> • Specifying “contract” and “agreement” are used interchangeably in SCM • Deleted word “It” and replaced with “A contract”
2.04 Table 2.1	Clarification of table information under “Important Factors” and “Decisions To Be Made”
2.06 A.	Deleted/added extensive language in regard to contract review and/or signing authority
2.07 Table 2.2	<ul style="list-style-type: none"> • Delete alpha designations of (C), (L), (S), (F) and (O) • Deleted some language under table section “Contracts with federal funding” • Deleted some language under table section “Interagency Agreements”

3.01 Table of Contents	<ul style="list-style-type: none"> • Corrected various section titles in Table of Contents • Added sections 3.24, 3.25 and 3.26 to Table of Contents
3.02	Remove reference to “PCC § 10335.5” from section title
3.02 B.1.	Added reference to “PCC § 10335.5”
3.02 B.4.	Deleted language
3.03 B.2.	Delete portion of language in “Note” box and add reference to SCM 3.06
3.03 C.1.	<ul style="list-style-type: none"> • Deleted “Std 13 or” • Deleted “Note” box information regarding Std 13A
3.04 A.1.	Deleted word “large”
3.04 A.5.	Added language re checking MM 03-10 guidelines
3.06 B.	Deleted some words to assist in clarifying subsection information re overhead fees
3.06 E.	Added words “the subcontract”
3.06 E.2.	Added words “has been received”
3.06 E.4.	Deleted PCC reference and also last sentence regarding NCB form use
3.06 F.	Deleted and then designated “Fiscal Intermediaries” as section 3.24
3.07 A.	Added words “unless specifically exempted by statute”
3.07 C.	Language added/deleted to clarify what/when executed legal services contract is sent to State Employees Bargaining Unit 2
3.07 D.	Added language re needing AG consent to amend legal services contract if changing scope of work.
3.07 F.	Deleted word “requirement” and words “as of”
3.09 A.3. & 4.	Correction to SCM reference from SCM 4 to SCM 4.10
3.09 A.8.	<ul style="list-style-type: none"> • Deleted reference to Std 15 • Added words “authority and the” • Language added to clarify requirements for amendments requiring DGS/OLS approval • Corrected SCM reference from 4 to 4.10
3.09 A.12	This subsection language was formerly SCM 4.10 A.4.
3.12 B.	Language in regard to availability of ORIM for consultation on insurance liability matters
3.12 B.1.	<ul style="list-style-type: none"> • Deleted words “costing \$100 or more” • Added reference to SCM section 7.40
3.12 B.2.	Deleted language and then replaced it with 3.12 C. language
3.12 C.	Language redesignated as subsection 3.12 B. 2. with some modifications
3.12 C.1.	This subsection language was formerly SCM 7.40 B.1. language with minor changes
3.12 C.2.	This subsection language was formerly SCM 7.40 B.2. language with minor changes
3.12 D.	Deleted language
3.13	<ul style="list-style-type: none"> • Added word “competitive” • Added reference of GC § 19130 to “Note” box information
3.14	Changed word “Agreements” to “Contracts” in section title and added reference to GC § 19134
3.14 F.1.	<ul style="list-style-type: none"> • Deleted words “Contracting agencies shall instruct potential bidders to” • Added words “Bidders shall”
3.18 A.	Language added regarding reimbursement at UC travel rates rather than DPA rates
3.24	This section language was formerly SCM 3.06 F.
3.25	This section language was formerly SCM 7.75 B. now with slight modification
3.26	This section language was formerly SCM 7.75 C.
4.04 5.b.	Deleted code cite of GC § 14616
4.08 B.1.a.	Clarifying distribution of copies of Std 215, Std. 213 and 213A
4.08 B.1.b.	Added reference to Std 215
4.08 B.1.c.	Deleted word “current” and added “state” in “Note” box
4.08 C.	Deleted :”to the DGS/OLS Chief Counsel or an Assistant Chief Counsel” in “Note” box

4.09 B.	<ul style="list-style-type: none"> Deleted language Language of SCM 4.09 C. now designated as SCM 4.09 B.
4.09 C. thru E.	Changed alpha designations from D. to C. and E. to D.
4.09 D.3.	Corrected name of Board of Control
4.10 A.1.	Clarifying terms of exemption from DGS/OLS approval of a time extension amendment
4.10 A.2.	Deleted subsection
4.10 A.3.	Deleted subsection
4.10 A.4.	This subsection regarding approval of amendments designated as 4.10 A.2. with slight modifications.
4.10 B.	<ul style="list-style-type: none"> Deleted reference to STD 15 Added words “and all supporting documentation.” Deleted last sentence of subsection paragraph
4.10 C.	Deleted language
4.10 D.	This section with direction to see SCM 3.09 for more information designated as 4.10 C.
Chapter 4 Appendix	<ul style="list-style-type: none"> Added word “approval” to listed item “Non-competitive bid” Added reference “Std 215” to two listed items Replaced the word “COMMENTS” with “ADDITIONAL KEY INFORMATION.”
5.01 Table of Contents	<ul style="list-style-type: none"> Deleted 5.04 section for Standard State Contracting Process from Table of Contents Added 5.45 section for Tie Bids to Table of Contents Deleted 5.95 section for PCC Section 6611Negotiation Authority
5.04	Deleted entire section 5.04
5.05 A.5.	Subsection deleted
5.05 A.6.	Redesignated as subsection 5.05 A.5.
5.08	Deleted and added language to “Note” information regarding MM 03-10
5.08 A.	Added words “A minimum of”
5.08 A.6.	Added words “(unless required by the rules of the master contract User Guide)”
5.08 A.8.	Subsection deleted
5.08 B.	Section deleted and redesignated as SCM 5.45 section for tie bids
5.09 A.	Deleted word “should” and added “shall”
5.10 A.	<ul style="list-style-type: none"> Deleted word “Documentation and replaced with “Advertising” Added language to the end of the sentence regarding approved Std 821
5.15 A.	Deleted sentence regarding reference to SCM 5.09
5.15 F.	<ul style="list-style-type: none"> Formatted subsection language to bullet style Deleted words “majority of the” and “private consultants” Added “or subject matter expertise”
5.45	Added this tie bid section language which was formerly SCM 5.05 B.
5.75 C.1.	Corrected spelling of name from Mark to “Marc”
5.75 C.3.	Corrected “Note” box information of SCM reference from 5.50 B to 5.80 C.
5.80 A.	Deleted words “the re-bid occurs”
5.80 A.1.	Added words “The re-bid occurs”
5.80 A.2.	Added words “to” and “and”
5.80 A.3.	Deleted words “There is” and added word “the”
5.80 B.2.c.	Added words “competitively bid and deleted “was and”
5.80 B.2.d.	Added words “competitively bid”
5.80 B. 2.e.	Added subsection regarding amendments to existing contract correct incidental errors
5.80 B.3.	Changed reference of alpha listing from (a) through (m) to (a) through (s)
5.80 B.3.f.	Deleted example of “ambulance service calls”
5.80 B.3.n. – s.	Added language covering types of contracts not needing advertising nor NCB approval
5.80 C.3.	<ul style="list-style-type: none"> Added words “or” and “two certified” Deleted words “or any combination thereof.”
5.95	Deleted section

6.00	<ul style="list-style-type: none"> • Clarifying language added to “Introduction” paragraph of Chapter 6 • Spelled out CCR abbreviation
6.01	Added word “Guidelines” to section 6.15 title listing in Table of Contents
6.02 1. & 2.	Clarification language to assist in regard to who can file bid protest
6.03 F.	Changes to section F. regarding contracts not subject to protest
6.10 A.	Added word “contract”
6.10 A.1. 2. & 3	Deleted and added language regarding contract award posting procedures
6.10 B.	Subsection deleted
6.10 B.2.	<ul style="list-style-type: none"> • Changed designation from 6.10 C.2. to 6.10 B.2. • Deleted and then added new language regarding public inspection access to bids
6.10 C.	This subsection language was formerly 6.10 D. language
6.10 D.	<ul style="list-style-type: none"> • This subsection language was formerly 6.10 E. language • Deleted first two sentences • Added words “Once a protest is filed the”
6.10 E.	This subsection language was formerly 6.10 F. language
6.10 F.	<ul style="list-style-type: none"> • This subsection language was formerly 6.10 G. language • Deleted words “DGS’s internal processes are as follows:” • Added “Upon receipt of a protest, DGS/Office of Legal Services (OLS):”
6.10 F.1.	<ul style="list-style-type: none"> • Deleted first sentence of subsection paragraph • Language added regarding response to protestant upon receipt of protest by DGS
6.10 F.2.	Deleted and added language regarding information required from State agencies
6.10 F.2.a.	Deleted language
6.10 F.2.b.	Deleted language
6.10 F.3.	Deleted and added language regarding DGS jurisdiction to render decision on protest
6.10 F.4.	Subsection added in regard to procedures for determining a decision on a protest
6.10 H. thru J.	Deleted all language
6.15	<ul style="list-style-type: none"> • Added word “Guidelines” to section title • Deleted first sentence of section 6.15
6.15 G.	Added “may be” and deleted “are”
6.15 H.	<ul style="list-style-type: none"> • Added “may be” and deleted “is” • Deleted last sentence of 6.15 H.
6.18	Deleted and added language regarding hearing officer’s decision being final
6.30 A.	Changed “Board of Control” to “Victim Compensation & Government Claims Board”
6.40 9.	Deleted words “or are not selected for the award.”
7.01 Table of Contents	<ul style="list-style-type: none"> • Deleted listing of section 7.21 • Deleted listing of section 7.75
7.20 B.	Corrected SCM reference to section 8.23
7.21	Deleted section
7.34	Corrected phone number of Statewide CAL-Card Administrator
7.40 A.	Deleted and added language regarding responsibility to assess insurance needs
7.40 B.	<ul style="list-style-type: none"> • Added subsection regarding insurance for hazardous activities contracts • Deleted opening sentence of former subsection 7.40 B.
7.40 B.1.	<ul style="list-style-type: none"> • This subsection language has been redesignated (formerly known as SCM 7.40 A.1) • Deleted subsection language redesignated as opening sentence of SCM 3.12.C.
7.40 B.2.	<ul style="list-style-type: none"> • Subsection added/modified using 2nd sentence language of former SCM 7.40 A.1. • Deleted subsection language redesignated as SCM 3.12 C.1. with slight modification
7.40.B.3.	This subsection language was formerly SCM 7.40 A.2.
7.40 B.4.	Added subsection regarding insurance cancellation policy
7.40 B.5.	Added subsection regarding additional insured on insurance policy
7.40 B.6.	This subsection language was formerly SCM 7.40 A.3.

7.40 C.	Deleted language
7.75	Deleted section
7.80 A.	Added words "RFP or IFB for"
8.02 Table 8.1	Deleted reference to Small Business & DVBE Outreach & Education Section
8.12 A.3.	<ul style="list-style-type: none"> Deleted section language and replaced with language of former SCM 8.12 A.4. Added words to clarify further government agency contracts
8.12 A.4.	This subsection language was redesignated from SCM 8.12 A.5.
8.14 C.	Deleted word "opening day" and added words "due date" to "Note" information
8.20 F.	Added new subsection language regarding NVSA agencies
8.21 B.2.	Deleted word "opening" and added word "due"
10.15 A.1.b.	Added word "permanent"
Glossary of Terms	Corrected definition of "contract"
Index	<ul style="list-style-type: none"> Deleted references to section 7.75 along with its subsections throughout SCM index Deleted reference to California Multiple Award Schedules (CMAS) - 7.34 C. Added reference to section 3.25 for Commercial Office Moving Services Deleted and moved "IT & telecommunications contracts" to proper index section Added reference to section 3.26 for Elevator Maintenance Contracts Added reference to section 5.15 F. for Evaluation Committee Added reference to section 3.24 for Fiscal Intermediaries Deleted reference to section 7.21 for Independent Contractors Added reference to section 8.12 for Joint Powers Agreements Added reference to section 3.25 for Moving services Added reference to section 3.25 under Office Moving Service Added the word Guidelines to end of Public Hearing reference Deleted reference to Standard State Contract Process - 5.04 Changed reference of 9.09 to 7.85 for Termination of the Contract Added reference to section 5.45 for Tie Bids

TABLE OF CONTENTS (Rev 11/04)

ABBREVIATIONS AND ACRONYMS

A & E	Architectural and engineering
ADA	Americans with Disabilities Act
CCR	<i>California Code of Regulations</i>
CSCR	<i>California State Contracts Register</i>
DGS	Department of General Services
DSA/AC	Division of State Architect, Access Compliance
DVBE	Disabled veteran business enterprise
EZA	Enterprise Zone Act
GC	<i>California Government Code</i>
IFB	Invitation for Bids
IRS	Internal Revenue Service
IT	Information Technology
LAMBRA	Local Military Base Recovery Area Act
LC	<i>California Labor Code</i>
MM	Management Memo
MOU	Memorandum of Understanding
MSA	Master services agreement
NCB	Non-Competitively Bid Contract Justification
NLRB	National Labor Relations Board
OLS	Office of Legal Services, DGS
ORIM	Office of Risk and Insurance Management, DGS
OSDC	Office of Small Business and DVBE Certification, DGS
OSP	Office of State Publishing
PCC	<i>California Public Contract Code</i>
PD	Procurement Division
RESD	Real Estate Services Division
RFA	Request for Applications (Grants)
RFP	Request for Proposals
RFQ	Request for Qualifications
SAM	<i>State Administrative Manual</i>
SCAN	State Contracting Advisory Network
SCM	<i>State Contracting Manual</i>
(SCM __)	<i>State Contracting Manual</i> - refer to that chapter
(SCM § __)	<i>State Contracting Manual</i> - refer to that section
SCO	State Controller's Office
SOW	Scope of work
SPB	State Personnel Board
TACPA	Target Area Contract Preference Act
UIC	<i>Unemployment Insurance Code</i>
USC	<i>United States Code</i>
W & I	<i>Welfare and Institutions Code</i>
2CCR	<i>Title 2, California Code of Regulations</i>

CHAPTER 1 – INTRODUCTION	SECTION	PAGE
Introduction	1.00	1
Table of Contents	1.01	1
Availability of the Manual	1.02	2
Guide To Usage of the Manual	1.03	2
Agency Responsibilities	1.04	3
Classification of Contracts	1.05	3
Circumvention of Responsibilities Prohibited	1.06	4
Standard Contracting Forms	1.07	5
 CHAPTER 2 – THE BASIC CONTRACTING PROCESS	 SECTION	 PAGE
Introduction	2.00	7
Table of Contents	2.01	7
Definition of a Contract	2.02	7
Preliminary Considerations	2.03	7
Overview of the Contracting Process	2.04	9
Elements of a Valid Contract	2.05	11
Authority to Sign a Contract	2.06	12
Standard Language	2.07	12
An OLS Review Checklist	Appendix	16
 CHAPTER 3 - ADDITIONAL REQUIREMENTS	 SECTION	 PAGE
Introduction	3.00	19
Table of Contents	3.01	19
Consultant Services Contracts	3.02	21
Interagency Agreements	3.03	24
Master Agreements for Services and Consulting Services	3.04	25
Contracts With Local Government	3.05	26
Agreements With Other Governmental Entities & Public Universities	3.06	26
Legal Services Contracts	3.07	27
Expert Witness Contracts	3.08	28
Amendments	3.09	29
Emergency Contracts	3.10	30
Federally Funded Contracts	3.11	30
Hazardous Activities Contracts	3.12	31
Joint Power Agreements	3.13	32
Agreements Contracts for Specific Types of Personal Services (GC 19134)	3.14	32
Contracts With Nonprofit Organizations	3.15	35
Revenue Agreements	3.16	35
Subvention and Local Assistance Contracts	3.17	36
UC, CSU, Community Colleges, and Their Foundations or Auxiliaries	3.18	38
IT and Telecommunications Contracts	3.19	38
Convention and Conference Services Contracts	3.20	39
Printing Services Contracts	3.21	39
Contracting for Students	3.22	39
Memberships	3.23	40

	SECTION	PAGE
<u>Fiscal Intermediaries</u>	<u>3.24</u>	40
<u>Commercial Office Moving Services</u>	<u>3.25</u>	40
<u>Elevator Maintenance Contracts</u>	<u>3.26</u>	40

CHAPTER 4 - DGS CONTRACT APPROVAL

	SECTION	PAGE
Introduction	4.00	41
Table of Contents	4.01	41
Responsibility for Contract Approval	4.02	41
Contracts Requiring DGS/OLS Approval	4.03	42
Contracts Not Requiring DGS/OLS Approval	4.04	43
Approval of Emergency Contracts	4.05	43
Certain Federally Funded Grants Exempt from Approval by DGS	4.06	44
Exemption Letters	4.07	45
Obtaining Approval from DGS/OLS	4.08	45
Approval and Commencement of Work	4.09	48
Approval of Amendments	4.10	49
Approval of Waste Recycling Agreements	4.11	50
DGS Legal Contract Package	Appendix	51

CHAPTER 5 - COMPETITIVE BIDDING METHODS

	SECTION	PAGE
Introduction	5.00	52
Table of Contents	5.01	52
Statutory and Regulatory Policy References	5.02	53
Fundamental Rules	5.03	53
Standard State Contract Process	5.04	54
Preliminary Considerations and Decisions	5.05	54
Comparison Chart of Bidding Methods	5.06	55
Differences Between IFBs and Primary RFPs	5.07	56
Competitive Bidding Options	5.08	57
Required Language in Competitive Bidding	5.09	58
Competitive Bidding Issues	5.10	58
Invitation for Bids	5.11	59
Request for Proposals	5.15	59
Primary RFP and Secondary RFP Differences	5.17	61
Requests for Proposals: Primary Method	5.20	62
Requests for Proposals: Secondary Method (Point Count or High Score)	5.25	62
Forms and Certifications for Competitive Bidding Documents	5.30	63
What to Include in an RFP	5.35	66
Guidelines for Criteria and Considerations in Evaluating RFPs	5.40	68
<u>Tie Bids</u>	<u>5.45</u>	69
Time for Completion of Competitive Bidding Process	5.60	69
Posting and Notification Requirements	5.65	69
Non-Competitively Bid (NCB) Contract Justification	5.70	70
Advertising State-Contracting Opportunities	5.75	70

	SECTION	PAGE
Contracts Exempt from Advertising in the CSCR and/or Competitive Bidding	5.80	71
Multiple Awards	5.85	74
Informal Competition	5.90	74
PCC Section 6611 Negotiation Authority	5.95	74

CHAPTER 6 - CONTRACT AWARD PROTESTS

	SECTION	PAGE
Introduction	6.00	75
Table of Contents	6.01	75
Grounds for Protest	6.02	76
Protest Exclusions	6.03	76
Role of DGS in Contract Protest Hearings	6.04	76
Protest Affecting Vital Services	6.05	77
Procedure for Protesting an Award	6.10	77
Public Hearing <u>Guidelines</u>	6.15	79
Decision on the Hearing	6.18	79
Costs of the Proceeding	6.19	79
Protests on Other Types Of Solicitations	6.30	80
Notification of the Right to Protest	6.35	80
Minimizing Protest Exposure	6.40	80

CHAPTER 7 - MISCELLANEOUS ISSUES

	SECTION	PAGE
Introduction	7.00	82
Table of Contents	7.01	82
Civil Service Considerations	7.05	83
Conflicts of Interest	7.10	83
Reporting of Contracting Practices	7.15	85
Prompt Payment	7.20	86
Independent Contractors	7.24	87
Contractor Identification Numbers	7.25	87
Equipment Purchases	7.29	87
Contract Budgets	7.30	88
Availability of Funds	7.31	88
Advance Payments	7.32	89
Progress Payments	7.33	89
Contract Payment by State Purchase Card, Cal-Card	7.34	90
Insurance Requirements	7.40	90
Contracts with No Dollar Amount	7.45	91
Audits	7.50	92
Drug-Free Workplace Act of 1990	7.55	92
Rental Agreements	7.60	94
Purchase Options	7.61	94
Lease/Purchase Analysis for Equipment	7.62	95
Nondiscrimination Program	7.65	95

	SECTION	PAGE
Recycle Product Content	7.70	96
Specialized Contract Provisions	7.75	96
Multiple Year Contracts	7.80	97
Contract Termination Clauses	7.85	97
Breach of Confidentiality by Contractor	7.90	97

CHAPTER 8 - BUSINESS PARTICIPATION PROGRAM REQUIREMENTS

	SECTION	PAGE
Introduction	8.00	98
Table of Contents	8.01	98
Procurement Division Responsibility and Legal References	8.02	99
Introduction to Disabled Veteran Business Enterprise Participation Programs (DVBE)	8.10	100
DVBE Regulations	8.11	100
When to Apply DVBE Goals to a Contract	8.12	101
Bidders' Response to DVBE Requirements in a Solicitation	8.13	101
Qualifying as a DVBE	8.14	104
DVBE Bid Information	8.15	105
Management of DVBE Contract Requirements	8.16	106
Annual Report of DVBE Participation	8.17	108
Certified Small and Microbusiness Program	8.20	109
Small Business Preference Program	8.21	111
Non-Small Business Preference Program	8.22	113
Prompt Payment of Small Businesses	8.23	113
Programs Stimulating Business and Employment in Specific Geographic Areas (TACPA, EZA and LAMBRA)	8.30	114

CHAPTER 9 - CONTRACT MANAGEMENT

	SECTION	PAGE
Introduction	9.00	117
Table of Contents	9.01	117
Definitions	9.02	117
Responsibilities of the Contract Manager	9.04	117
Contract Manager "Don'ts"	9.05	119
Ethics	9.07	119
Record Keeping	9.09	119
Performance of the Contractor	9.11	120
Termination of the Contract	9.12	121
Closing of Service Contracts	9.14	121
Retention of Contract Records	9.16	121

CHAPTER 10 - PUBLIC WORKS CONTRACTS

	SECTION	PAGE
Introduction	10.00	122
Table of Contents	10.01	122
Definitions	10.05	122

	SECTION	PAGE
Authorization of Public Works Contracts	10.10	123
Public Works Contracts Between \$1,000 and \$120,000	10.15	123
Public Works Contracts Between \$120,000 and \$400,000	10.20	129
Requirements of Public Works Contracts	10.25	130
Public Works Contracts Required Language	10.30	131
Non-collusion Affidavit	Appendix	134

CHAPTER 11 – ARCHITECTURAL AND ENGINEERING CONTRACTS	SECTION	PAGE
Introduction	11.00	135
Table of Contents	11.01	135
Types of Projects	11.03	135
Selection Process Based on Qualifications	11.05	136
Evaluation of Qualifications	11.06	136
Negotiating A & E Contracts (moved re-numbered from 11.06)	11.08	136
Award of Contract	11.10	136

GLOSSARY OF TERMS
INDEX